

DARIENNE T. FRANKS, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF THE CITY OF : DECISION  
 EAST ORANGE, ESSEX COUNTY, :  
 :  
 RESPONDENT. :  
 \_\_\_\_\_ :

SYNOPSIS

Petitioner, retired music teacher, sought payment of her salary without the loss of sick leave for an illness allegedly sustained during the course of her employment. The Board denied it had improperly charged petitioner sick leave.

Initially, the ALJ also concluded that petitioner's acceptance of a lump-sum workers' compensation settlement did not preclude the within claim. The ALJ then determined that petitioner was not entitled to sick leave for her six-week absence, as she failed to demonstrate an illness with objective medical evidence, or that the illness arose from her employment.

The Commissioner affirmed the Initial Decision for the reasons set forth therein.

OAL DKT. NO. EDU. 7423-97  
AGENCY DKT. NO. 115-4/97

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions.

Upon careful and independent review of the record, the Commissioner concurs with the findings and conclusion of the Administrative Law Judge that petitioner has failed to sustain her burden of establishing that her absences from work were the direct result of a compensable injury or illness arising during the course of her employment and she is, therefore, not entitled to the restoration of sick days/reimbursement she seeks pursuant to *N.J.S.A. 18A:30-2.1*.

Accordingly, the Initial Decision of the OAL is affirmed for the reasons clearly stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: 9/20/01

Date of Mailing: 9/21/01

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\* This decision, as the Commissioner's final determination may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:2-1.1 et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.